

Application Serial No. 10/731,814
Reply to Office Action of March 26, 2007

PATENT
Docket: CU-3482

REMARKS

In the Office Action, dated March 26, 2007, the Examiner states that Claims 1-4 and 6-16 are pending, and Claims 1-4 and 6-16 are rejected. By the present Amendment, Applicant amends the claims.

In the office Action, Claims 1-4 and 6-16 are rejected under 35 U.S.C. §112, second paragraph as being indefinite. Particularly, in Claims 1 and 14, the phrase "thereby to form ingredient-determined paint" is indicated as indefinite. This phrase has been amended to refer to an ingredient-determined paint formula, as suggested by the Examiner.

In the Office Action, Claims 1-4 and 6-16 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. The Applicant considers that the above amendment to refer to an ingredient-determined paint formula, and the added method step of outputting the ingredient-determined paint formula, provides for a concrete, useful and tangible result, and overcomes the rejection.

In the Office Action, Claims 1-4, 6 and 8-15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Snyder et al. (US 5,907,495). Claims 7 and 16 are also rejected under 35 U.S.C. §103(a) as being unpatentable in further view of the Stat-Ease" reference. The Applicant respectfully disagrees with and traverses these rejections.

The claimed invention is considered new and non-obvious at least in that it comprises: "predicting performances of the ingredient-determined paint formula based on paint performance prediction information of the determined ingredients, the paint performance prediction information obtained through previous experience; verifying the predicted performances of the ingredient-determined paint formula" and "wherein at least one of painting workability, coating film performance, and paint performance is predicted as the performance of the ingredient-determined paint formula." The amendment "paint performance prediction information of the determined ingredients, the paint performance prediction information obtained through previous experience" is based on "the information being digitized based on previous experience" (page 10, lines 29-30) and "date are stored raw material by raw material" (page 11, lines 10-11).

The rejection asserts that it would have been obvious to one of ordinary skill in the art to modify the design of paint as taught by Snyder to further include the

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prediction and verification of the performance of the paint since Snyder teaches that paint validation, the successful conformance testing of paint against predetermined criteria, is well known in the art (page 6, item 14). The Applicant considers that the asserted rejection is incorrect since the "paint validation" is an act performed on the paint that has been manufactured. The claimed invention, however, comprises "predicting performances of the ingredient-determined paint formula based on paint performance prediction information of the determined ingredients, the paint performance prediction information obtained through previous experience," in which the ingredient-determined paint formula has not been manufactured yet. Consequently, Snyder fails to describe "verifying the predicted performances of the ingredient-determined paint formula"

The Applicant notes that the "Stat-Ease" reference mentions "prediction" on Pages 7-14, 7-15 and 7-16. However, that reference fails to describe at least "verifying the predicted performances of the ingredient-determined paint formula."

For at least these reasons, the Applicant considers that the amendments to the claims overcome the previous rejections.

In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,



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Date

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